IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1395 OF 2005

Ilyas Mohd. Usman Shaikh ... Applicant

V/s

1 Narcotic Control Bureau & Anr. ... Respondents

Mr. Ayaz Khan with Mr. Rajendra Bidkar for applicant

Mr. D.N. Salvi for respondent No.1

Shri S.R. Shinde, APP for the State.

Coram : V.M. Kanade, J.

Dated : 21.04.2005.

P.C. :-

1 I have heard the learned counsel for the applicant, respondent No.1 and APP for the State.

2 The applicant was acquitted by the trial court by the judgment and order dated 11.10.2000. So far no appeal has been filed against the order of acquittal of accused. Criminal appeal No. 783 of 2000 is pending in this court which is filed by the co-accused. The present applicant is seeking the directions from this court directing the trial court to return passport and the diary which are part of the record and proceeding of this court.

Since the applicant is already acquitted by the trial court, the passport and diary be returned to the applicant after taking out the xerox copies of both these documents. The applicant however shall obtain leave of this court to travel abroad. It is submitted by the learned counsel for the respondent that the State is going to file an appeal against the order of acquittal. Criminal application is disposed of.

3 If the appeal is not filed within a period of 6 months, liberty is granted to the applicant for modifying the condition which is imposed.

(V.M. Kanade, J.)